

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ROBIN LITTLE,

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

Docket No: 2:21-cv-2209

JURY DEMANDED

NOTICE OF REMOVAL

Comes now the Defendant, Wal-Mart Stores East, L.P, by and through the undersigned counsel, and hereby notifies the Judges of the United States District Court for the Western District of Tennessee, Western Division, the Clerk of the Circuit Court of Shelby County, Tennessee, and the Plaintiff that the action described herein and filed in the Circuit Court of Shelby County, Tennessee is removed to the United States District Court for the Western District of Tennessee, Western Division pursuant to 28 U.S.C. § 1441.

1. On March 23, 2021, Plaintiff, filed a civil action against Defendant in the Circuit Court of Shelby County, Tennessee bearing civil action CT-1146-21. Service of the Complaint and Summons was made upon the Defendant through its registered agent CT Corporation System on March 30, 2021.

2. Plaintiff filed this premises liability action based upon an incident that occurred in Shelby County, Tennessee on April 30, 2020.

3. A copy of the Summons and Complaint, being all the papers served upon the Defendant, are attached as **Exhibit A** hereto.

4. Defendant seeks removal of this action to this Court pursuant to 28 U.S.C. § 1332, upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of the interest and costs. See 28 U.S.C. § 1332. The Plaintiff's Complaint seeks compensatory damages in the amount of \$750,000.00.

5. Plaintiff is a resident and citizen of Guilford County, North Carolina and was a citizen of the State of North Carolina at the time of the filing of this action and at the time of removal.

6. Defendant WAL-MART STORES EAST, L.P., is a Delaware limited partnership with its principle place of business in Bentonville, Arkansas. For purposes of determining citizenship under 28 U.S.C. § 1332(c)(1), a limited partnership is deemed to be a citizen of every state where its general and limited partners reside. See Hooper v. Wolfe, 396 F.3d 744, 748 (6th Cir. 2005) (citing Carden v. Arkoma Assocs., 494 U.S. 185, 195–96, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990)).

7. As noted above in Paragraph 4, the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

8. This notice is filed within the time prescribed by 28 U.S.C. § 1446(b).

WHEREFORE, Notice is hereby given that the said civil action is removed from the Circuit Court of Shelby County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, PLC

By: /s/ W. Christopher Frulla

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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this pleading or document was served upon counsel for each of the parties by mailing postage prepaid, by delivery to the person or office of such counsel, or by electronic means, as follows:

Elaine Sheng
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Memphis, TN 38103
Attorney for Plaintiff

This the 6th day of April, 2021.

/s/ W. Christopher Frulla